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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,890	11/30/2000	Alan Edward Kaplan	Kaplan 2000-0068	3351

7590 05/22/2003

Henry T. Brendzel  
P.O. Box 574  
Springfield, NJ 07081

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,890

Applicant(s)

KAPLAN, ALAN EDWARD

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/30/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Please provide Serial Numbers, Status, and Patent number of the co-pending applications mentioned on page 1 of the specification.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Swan et al. (U.S. Patent 6,263,071).

Regarding claims 1, 3, and 5, Swan et al. teach a method and apparatus to manage alerting of an incoming call directed to the multiple telephone terminals 16 connected to the telephone network via the single line 12. The in-house wiring 22 and the communications line 12 may be the same subscriber loop which is connected to the central office of the telephone network (Fig. 2a). The ring generator 60 is controlled by the processor 56 in accordance with control commands received from the Personal Communicator Controller (PCC) 10 to produce distinctive ringing associated with the telephone terminal. The PCC 10 will utilize the calling

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number ID ("called number ID can also be sent") information and look for a match within one or more internal lists of directory numbers ("querying a database") which form part of the configuration data. For example, adults, kids, or individuals within the household may have a respective directory list containing directory numbers corresponding to persons from whom (calling party) calls are frequently received; and alert the household members with a distinctive ringing cadence for different recipients ("sending alert signal comprises one or more ringing signal bursts and the called number ID signal to a POT CPE").

Regarding claim 2, the called number ID signal is inherently and FSK modulated signal.

Regarding claims 7 and 8, Swan et al. teach The Time Of Day (TOD) clock 50 is utilized by the lprocessor 32 in implementing any related services and features of the PCC system (col. 7, lines 18-21 and col. 9, lines 39-55) reads on claimed "the step of sending to the POT CPE one or more special service messages that indicate (d) time of day").

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan et al. (U.S. Patent 6,263,071) in view of Cepelinski (U.S. Patent 4,293,737).

Regarding claims 4 and 6, Swan et al. do not suggest the alert signal is commingled with the called number ID signal, and the commingling places the called number ID signal ahead of a

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first ringing signal burst of the one or more ringing signal bursts, or following the first ringing signal burst.

Cepelinski teaches a telephone system automatic ringing code decoder to provide single party ringing on a multi-party telephone lines; and providing types of ringing, initiate the ringing bursts at different time sequences (col. 1, line 63 through col. 2, line 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of providing a telephone system automatic ringing code decoder to provide single party ringing on a multi-party telephone lines; and providing types of ringing, initiate the ringing bursts at different time sequences, as taught by Cepelinski, in Swan's system in order to alert the household members with distinctive ringing signal burst.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carlson et al. (U.S. Patent 5,408,528) teach method and apparatus for flexible and optimal telephone call acceptance and routing. Sasano et al. (U.S. Patent 5,200,994) teach communication terminal apparatus and control method with party identifications features.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
May 15, 2003

A handwritten signature in black ink, appearing to read "Ahmad Matar". The signature is fluid and cursive, with the first name "Ahmad" and last name "Matar" clearly distinguishable.

**AHMAD MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600